

Right to an Administrative Hearing

Any store or employee is entitled to a hearing upon request on any alleged violation by the local licensing authority

Tracking Administrative Violations

- Local authorities maintain a record of any adjudicated violation until the record is expunged⁷
- Local authorities notify the Highway Safety Office of any violation within 30 days of its adjudication
- Highway Safety Office analyzes, maintains (until record is expunged), and tracks violation history information
- Highway Safety Office makes violation history information available to:
 1. local government authorities to assist them in assessing future administrative penalties against individuals; and
 2. retail grocery and convenience stores to inform them of individuals with a violation history
- Highway Safety Office provides the Utah Substance Abuse and Anti-Violence Coordinating Council (USAAV) a report by October 1st of each year of statistical data on violation histories

Footnotes

- 1 National Research Council Institute of Medicine, REDUCING UNDERAGE DRINKING, p.459
- 2 American Medical Association Fact Sheet, 2003
- 3 Grant, BF and Dawson, DA. JOURNAL OF SUBSTANCE ABUSE 9:103-110. 1997
- 4 Utah 2005 SHARP Survey
- 5 The training is conducted by private companies whose instructors and curriculum have been approved by the Utah Division of Substance Abuse and Mental Health (DSAMH). Training focuses on checking for ID, new research on alcohol and the developing teen brain, underage drinking laws, "zero tolerance", penalties for violations, etc. Modest training fees are paid by the employee or the store. The training certification is good for

five (5) years (training status will be posted on the DSAMH's web-site).

6 ADMINISTRATIVE PENALTIES:

FOR INDIVIDUALS:

1st offense—written warning and retake the state alcohol training;

2nd offense—90 day suspension from selling or supervising the sale of beer and retake the state alcohol training and any additional training a local authority may require;

3rd or subsequent offense—1 year suspension and retake the state alcohol training and any additional training a local authority may require.

FOR STORES:

1st offense—written warning;

2nd offense—\$250 civil fine;

3rd offense— \$500 civil fine;

4th or subsequent offense—\$500 civil fine + 30 day suspension of beer sales +1 year probation.

If a violation occurs during the period of probation—revocation of license to sell beer (cannot reapply for license for at least six months).

Failure to pay any fine within 30 days—immediate suspension until payment made, and revocation if payment not made within 30 days of suspension order.

If a store allows a suspended employee to sell or supervise the sale of beer during the suspension period, its beer license may be immediately suspended.

- 7 EXPUNGEMENT: The administrative violation history of an individual and a store is expunged if no further violation occurs within 36 months of the date of the last adjudicated violation.

05/01/2006

UTAH DEPARTMENT OF PUBLIC SAFETY HIGHWAY SAFETY OFFICE

3888 West 5400 South • Salt Lake City, Utah 84118

ph. (801) 957-8570 • Fax (801) 957-8588

www.highwaysafety.utah.gov

For Law Enforcement
Agencies

E.A.S.Y.

Eliminate Alcohol Sales to Youth

Effective July 1, 2006



State of Utah

Department Of Public Safety

Why E.A.S.Y.?

The Underage Drinking Problem:

Youth primarily obtain alcohol from adults and friends, and commercial outlets such as convenience and grocery stores.¹ The latest research shows that alcohol affects a teen brain differently than a mature adult brain. Yet few parents or youth realize that alcohol can damage and interfere with critical brain development during the teen years—development that is important to youth becoming mature, thoughtful, responsible adults. The American Medical Association advises that “damage from alcohol at this time can be long term and irreversible.”²

Research also shows that 40% of those who start drinking before the age of 15 will become alcohol dependent.³ The average age a person takes their first drink in Utah is 12.3 years old, with many starting younger.⁴ Binge drinking (4-5 drinks within a single sitting) starts in middle school and increases through the high school years, increasing the risk of addiction.

The E.A.S.Y. Law:

- Limits youth access to alcohol in grocery and convenience stores; and
- Funds a statewide media and education campaign to alert youth, parents, and communities of the dangers of alcohol to the developing teen brain and increased addiction from early use.
- The E.A.S.Y. Law (S.B. 58) was passed by the 2006 Legislature and may be viewed in its entirety at the Legislature’s website: www.le.state.ut.us.

Summary for Law Enforcement Agencies: Random Compliance Checks

- Studies have shown that the most effective way to reduce alcohol sales to minors at grocery and convenience stores is to increase the frequency

of random compliance checks by law enforcement using underage buyers.

- Law enforcement agencies are authorized to conduct **up to four (4) random alcohol sales compliance checks a year** for each retail store location using underage youth to attempt to purchase alcohol. See Utah Code Section 77-39-101 (as amended 2006).
- The **actual costs** of any compliance check done after June 30, 2006 by a **municipal or county law enforcement** agency, and any administrative costs associated with reporting the compliance check are **totally reimbursable**.
- The local law enforcement agency must complete and submit to the Department of Public Safety, Highway Safety Office a **report within 90 days** of the compliance check investigation. These reports must be on forms available from the Highway Safety Office.
- Reimbursement is on a first come, first served basis until all funds appropriated for the year are spent.
- Compliance checks are primarily to determine whether a store sales clerk will sell to an underage buyer. However, law enforcement should also check for:

1. MANDATORY TRAINING

Each store employee that sells beer or directly supervises the sale of beer must have a valid certificate that the individual has completed the statewide alcohol training and education seminar required by Utah Code Sections 32A-10-103 and 62A-15-401 (as amended 006).⁵

Those employed before September 1, 2006 must be certified by October 1, 2006. Those hired after September 1, 2006 must be certified within 30 days of the date they are hired by the store. Local authorities may immediately suspend the store’s license for allowing these employees to

work without proper certification. See Utah Code Sections 32A-1-401 and 32A-10-103.

2. IDENTIFICATION BADGES

By July 1, 2006, each store employee that sells beer or directly supervises the sale of beer must wear a unique identification badge on the front of their clothing, visible above the waist, bearing their first or last name, initials, or unique identification letters or numbers that are sufficiently large to be clearly visible and identifiable. This allows law enforcement during compliance checks to readily identify the employee(s).

The store must maintain a record of all badges assigned and the record must be available for immediate inspection. The record must include the employee’s full name, address, and driver license number or similar identification number. Local government authorities may impose a fine of up to \$250 against the store for non-compliance. See 32A-10-103.

- If a sale to a minor occurs, the law enforcement agency is authorized to:
 1. Issue a criminal citation under Utah Code Section 32A-12-203, and refer the matter for prosecution.
 2. Refer the matter to local government authorities for administrative action against the store and the employee, along with any mandatory training and identification badge violations.

Statewide Uniform Administrative Penalties for Unlawful Sales to Minors

Administrative penalties are:

- in addition to criminal penalties
- assessed against both the employee and the store
- set by state statute⁶
- adjudicated by local government authorities